IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

NOTICE OF MOTION NO.4460 OF 2007
IN
SUIT NO.2734 OF 2007

Harigopal Vyas and others ..Plaintiffs.
Vs.
Smt. Sarojbala Varma and others ..Defendants.

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Mr. Rahul Chitnis i/b M/s. V. Deshpande & Co. for the Plaintiffs.
Mr. K.K. Pandey for Defendant Nos.1 and 2.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

17th December, 2007.

P.C. :

1. The Notice of Motion is taken on Board by consent and has been called out for hearing.

2. The learned counsel are agreed that the present Motion can be disposed of in terms of an order which has already been passed by this Court on 5th December, 2007 in companion Notice of Motion 4454 of 2007 in Suit No.2703 of 2007.

3. The Plaintiff are in occupation of flat Nos.9, 10, 11 and 12, admeasuring 870 sq. ft., 760 sq. ft., 438 sq. ft. and 720 sq. ft. respectively in a building known as Ratan Jyoti situated at 79/2,

J.B. Nagar, Andheri (East), Mumbai 400 059 which were acquired in pursuance of agreements dated 12th April, 1985, 25th January, 1985, 20th May, 1988 and 10th October, 1986 respectively. The First Defendant who holds leasehold rights in respect of the plot of land has agreed to assign her rights in respect of the land and building to the Second Defendant. The apprehension of the Plaintiff is that the First and Second Defendants may dispossess the Plaintiff and/or carry out a reconstruction of the building without her express consent. Counsel appearing for the First and Second Defendants states that the apprehension of the Plaintiffs is baseless and that the First and Second Defendants would not take recourse to any coercive steps either to dispossess the Plaintiffs or to carry out reconstruction. The learned counsel further states that the First and Second Defendants shall either take the consent of the Plaintiffs or take recourse to such other remedies as are open to them in accordance with law. The statement is accepted. In view of the aforesaid statement, counsel appearing for the Plaintiffs does not seek any further relief in the Notice of Motion. The Notice of Motion is accordingly disposed of.